Y 1.1/5:97-577

ORIGINAL

**Calendar No. 847**

97TH CONGRESS, 2d Session } SENATE { REPORT No. 97-577

COMPLETED

# NATIONAL TRAILS SYSTEM ACT AMENDMENTS

SEPTEMBER 23 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

Y 1.1/5:97-577

[To accompany H.R. 861]

The Committee on Energy and Natural Resources to which was referred the act (H.R. 861) to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the act as amended do pass.

The amendments are as follows:

1. On page 7 delete lines 8 through 23, and on page 8 lines 1 through 8, and insert in lieu thereof the following:

> (b) Section 5(b) of the National Trails System Act is amended—
>
> (1) by inserting after the second sentence the following: "The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible.";
>
> (2) in paragraph (b)(3), by inserting "16" before "U.S.C."; and
>
> (3) in paragraph (b)(11)(B) by inserting the word "exploration," after "commerce," in the first sentence.

2. On page 9 delete lines 20 and 21, and insert in lieu thereof the following:

> (29) Beale Wagon Road, within the Kaibab and Coconino National Forests in Arizona: *Provided*, such study may be prepared in conjunction with ongoing planning processes for these National Forests to be completed before 1990."

89-010 O

3. On page 11, line 5, insert the word "appropriate" before the word "Secretary".

4. On page 12, line 21, delete "; and" and insert a period.

5. On page 12 delete lines 22 through 24.

6. On page 13 between lines 14 and 15 insert a new subsection (d) and reletter the following subsections accordingly:

> (d) Section 7(e) of the National Trails System Act is amended by—
>
> (1) deleting reference in the first sentence to "subsection (g)" and substituting, in lieu thereof, "subsection (f)"; and
>
> (2) by deleting the period at the end of the first sentence, and in lieu thereof, subbsttiuting a colon and the following proviso: "*Provided further*, That the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities.".

7. On page 13 delete lines 18 through 25, and on page 14 lines 1 through 3 and insert in lieu thereof the following:

> (2) In acquiring lands or interests therein for a National Scenic or Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this act, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including: (i) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and (ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this act. The proceeds from any disposal shall be credited to the appropriation bearing the costs of land acquisition for the affected trail.

8. On page 14, line 17, insert the words "acquisition, protection," before the word "operation".

9. On page 14, line 23, delete the word "Such" and insert the words "The appropriate".

10. On page 17, line 3, add the following new sentence:

> The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a federal con-

servation policy and yield a significant public benefit for purposes of Section 6 of Public Law 96-541.

11. On page 19, line 25, insert a comma after the word "Interior", delete the word "and" and after the word "Agriculture" insert "and the head of any Federal agency administering lands,".

12. On page 20, line 11, and on page 21, lines 1 and 5, after the word "Secretary" insert "or the head of any Federal land managing agency".

13. On page 22 delete lines 13 through 25, and lines 1 through 11 on page 23.

## Purpose of the Measure

H.R. 861, as reported, establishes three new scenic trails, two of which are to be administered by the National Park Service and one by the United States Forest Service. Six trail routes are authorized for study. The Act provides for a mechanism to encourage and assist volunteer groups and citizen involvement in the Nation's trails development program.

## Background and Need

The National Trails System Act of 1968 was intended by the Congress to be a generic measure through which the outdoor recreation opportunities of America could be expanded by the development of a nationwide program to establish and maintain trails of various kinds. Two national scenic trails—the Appalachian Trail, running from Maine to Georgia and the Pacific Crest Trail, running through California, Oregon, and Washington—were established. Several additional trail routes were designated for study under the terms of the Act, with reports to be made to the Congress for possible later designation as national scenic trails. The Act also contained provisions for the administrative establishment of national recreation trails.

The 94th Congress conducted oversight hearings on the Act, and also enacted legislation designating additional routes for study under the Act. The oversight hearings revealed that the federal agencies were not moving expeditiously to implement the provisions of the original Act with respect to the protection of the designated trails. Completion of the required studies was slow, thus frustrating any rapid expansion of the system. Concerns were also expressed that numerous trail routes being studied did not lend themselves to the national scenic trail designation but had significant historical values.

The 95th Congress responded to these concerns with the enactment of amendments to the Act which established an expedited program to complete the protection of the Appalachian Trail. Further amendments established a new category of national historic trails under the parent Act, and designated several additional components of the national system.

The hearings and related discussions during these recent sessions of the Congress brought forth several points from the trails community

and agency professionals also responsible for the implementation of National Trails Systems Act in the Department of Agriculture and the Interior. There was a consensus that the diverse needs of various types of trails users could not be met by Federal agencies alone. Volunteer efforts by interested trail users themselves, working in concert with various levels of Government, have been highly effective in expanding trail recreation opportunities at low cost. Finally, with a decade of experience under the 1968 Act to draw upon, there was a sense that a number of adjustments to the Act could be made to enhance the ability to advance trail recreation programs in a variety of ways.

The product of that effort, H.R. 8087, was reported by the House Committee on Interior and Insular Affairs and subsequently adopted by the House of Representatives on September 22, 1980. Although the Senate later approved a modified text of H.R. 8087 as part of another measure, disagreement with other items not related to the trails measure prevented the final enactment of the legislation.

H.R. 861, as reported, is a refinement of the measure which was approved by the House of Representatives during the 96th and 97th Congress. The bill, as introduced in the House contained the text approved by the Senate in 1980. Following additional hearings in 1981, the House committee recommended a revised text which eliminates most of the items which could require future Federal expenditures. The House amended text is also more cautious in designating any additional components of the national trails system, deleting several proposed national historic trails in order to permit additional review by the Department of the Interior. Additional recommendations reflect continuing efforts to encourage the expansion of trail recreation opportunities across the Nation at low cost. H.R. 861 places a greater reliance on citizen participation than ever before to accomplish the purpose of the National Trails System Act of 1968.

H.R. 861, as reported, further amended the House passed Act to include: several clarifying amendments; expansion of the volunteer authority to other land managing agencies besides the NPS and Forest Service; the deletion of a section limiting the imposition of entrance fees or admission to certain Federal areas.

H.R. 861 passed the House on May 11, 1982. A hearing before the Subcommittee on Public Lands and Reserved Water was held on August 4, 1982. The Administration in testimony given before the Subcommittee supports H.R. 861 if amended. At a business session on September 15, 1982, the Committee on Energy and Natural Resources ordered H.R. 861, as amended, favorably reported.

## Committee Recommendation and Tabulation of Votes

The Senate Committee on Energy and Natural Resources in an open business session on September 15, 1982, by unanimous vote of a quorum present recommends that the Senate pass H.R. 861 with amendments as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

| YEAS | NAYS |
|---|---|
| Mr. McClure | |
| Mr. Hatfield | |
| Mr. Domenici | |
| Mr. Wallop | |
| Mr. Warner* | |
| Mr. Humphrey* | |
| Mr. Murkowski | |
| Mr. Nickles | |
| Mr. East* | |
| Mr. Heinz* | |
| Mr. Jackson | |
| Mr. Johnston* | |
| Mr. Bumpers | |
| Mr. Ford | |
| Mr. Metzenbaum | |
| Mr. Matsunaga* | |
| Mr. Melcher | |

*Indicates voted by proxy.

## Committee Amendments

The Committee adopted 13 amendments primarily clarifying in nature. For a complete section-by-section analysis of H.R. 861, see House Report 97–267, pages 11 through 18.

The Committee amendments are as follows:

1. Section 205(b) was amended to clarify that the feasibility of designating a trail is determined by physical potential of locating the trail and the costs associated with construction and acquisition.

The amendment conforms the House passed language to the existing structure of the National Trails System Act after amendatory language was removed on the House floor.

2. Section 205(c) was amended to direct the Secretary of Agriculture to study that portion of the Beale Wagon Road within the Kaibab and Coconino National Forests as part of the ongoing Forest Service Management Planning process. The study of the remaining 80 percent of this trail is deleted. Approximately 20 percent of the proposed trail is located within National Forest System land and the remaining 80 percent on other public and private land which would normally be studied by the Department of the Interior.

3. Section 206 was amended to clarify that the word "Secretary" means the appropriate Secretary, so as to apply authorities to both the Secretaries of Agriculture and the Interior.

4. and 5. Section 207(a) was amended to remove a redundancy. The House language purports to make clear that development and management of various trails are to be compatible with multiple use plans

consistent with the purposes of this Act. However, the existing language of the Act provides that trails will "harmonize with and complement any established multiple use plans." The additional language in the House version is not needed to clarify any identified ambiguity in the existing language and is thus deemed redundant. It is not the intent of this bill to in any way affect the existing multiple use management of national forests through which trails pass.

6. Section 207 is amended by deleting the section and inserting a new section. This amendment:

1. Corrects an existing error in the National Trails System Act; and

2. Adds a proviso which authorizes the acquisition of lands or easements from counties, local governments and municipalities for trail rights-of-ways, with their consent.

7. Section 207(d) is amended by deleting the subsection and inserting a new subsection.

The rewritten language embodies the same concepts as those in the House passed version, except that the independent and concurrent authorities of the Secretaries of the Interior and Agriculture are made more explicit, and the disposal processes are clarified to be consistent with existing authorities of the Secretary of the Interior in Public Law 90–401 including disposal at fair market value to the highest bidder, and as right of first refusal in the last owner of record.

8. Section 207(f) is amended to clarify that the appropirate Secretary may utilize all cooperative authorities to work with governmental and private organizations in the acquisition and protection of trail lands. This language is particularly intended to encourage cooperation with private land trusts and similar conservation organizations in the protection of trail rights of way and adjacent lands.

9. Section 207(g) is amended to clarify that the "appropriate" Secretary shall consult with States. The appropriate Secretary may be either the Secretary of Agriculture or the Secretary of the Interior.

10. Section 207(h) is amended to establish the Congressional intent that easements donated pursuant to this provision shall have the same tax benefits to the donor as provided in P.L. 96–541.

11. and 12. Section 210 is amended to allow other land managing agencies, besides the Park Service and Forest Service, to utilize the volunteer authorities granted by this section in the promotion of trail maintenance and use. The amendments will logically expand the use of volunteers to the Bureau of Land Management, Tennessee Valley Authority and other federal land managing agencies.

13. Section 211 is amended to delete the provision that would have limited the imposition of entrance fees or admission at certain federal areas including components of the National Trails System. The issue of admission and entrance fees has impact much broader than trails, and the public policy implications should be considered in a broader context than this trails bill.

## Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, D.C., September 20, 1982.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 861, a bill to amend the National Trails System Act by designating additional national scenic and historic trails and for other purposes.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 861.

2. Bill title: A bill to amend the National Trails System Act by designating additional national scenic and historic trails and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, September 15, 1982.

4. Bill purpose: This bill establishes three new scenic trails, assigns names for a trail and a forest area and requires studies of six new trail routes. It directs the Secretary of the Interior to submit to the Congress a National Trails System Plan at the beginning of fiscal year 1983 and at the beginning of every second fiscal year thereafter. The bill expands the scope of the management plans for new trails to include plans for protecting certain historic sites and developing the trails.

H.R. 861 authorizes the appropriation of $2.5 million for acquiring lands and developing the Natchez Trace Trail, and such sums as may be necessary to implement the remaining requirements of the bill. The authorization is effective for the fiscal year beginning on October 1, 1982, and for subsequent fiscal years.

5. Cost estimate:

| | *Millions* |
|---|---|
| **Estimated authorization level:** | |
| **Fiscal year:** | |
| 1983 | $3.5 |
| 1984 | ---- |
| 1985 | .1 |
| 1986 | ---- |
| 1987 | (1) |
| **Estimated outlays:** | |
| **Fiscal year:** | |
| 1983 | 1.5 |
| 1984 | 1.3 |
| 1985 | .8 |
| 1986 | (1) |
| 1987 | (1) |

[1] Less than $50,000.

Best Available Copy

The costs of this bill fall within budget function 300.

6. Basis of estimate: It is assumed for the purpose of this estimate that H.R. 861 will be enacted in calendar year 1982 and that the full amounts authorized will be appropriated early in fiscal year 1983.

The estimated authorization for fiscal year 1983 includes the $2.5 million authorized for acquiring and developing the Natchez Trace Trail and another $210,000 for developing the Florida Trail. The Forest Service (FS) anticipates no land acquisition activities for the Florida Trail. Based on information from the National Park Service (NPS), the cost of developing the Potomac Heritage Trail is expected to be insignificant. It is assumed that these funds will be spent over a three-year period, consistent with the pattern of similar programs.

An additional $550,000 is estimated to be necessary for the studies of five of the six trail routes. This estimate assumes that no additional costs will be incurred for the study of the Beale Wagon Road, because the bill directs the FS to complete this study as part of the ongoing planning process. The funds for the studies are expected to be disbursed over a three-year period.

The initial National Trails System plans are expected to cost approximately $90,000 each. The cost of these bi-annual plans are expected to drop to about $30,000 by fiscal year 1987 when the necessary data base would be in place. These expenses are expected to be incurred over two years.

The management plans associated with the new scenic trails are expected to cost $130,000 in fiscal year 1983, with expenses to be incurred over a three-year period.

The remaining provisions in the bill are not expected to add significant costs to the NPS or FS programs. The costs associated with erecting markers and revising documents for the new name assignments of a trail and a forest area are estimated to be negligible. Provisions allowing for trail interpretation sites are not expected to increase costs because both agencies presently are authorized to provide such facilities in the areas through which the trails pass.

7. Estimate comparison: None.

8. Previous CBO estimate: On September 23, 1981, CBO transmitted a cost estimate for H.R. 861 as ordered reported by the House Committee on Interior and Insular Affairs on July 29, 1981. Although the two versions of the bill are similar, the estimated costs of the Senate version are $0.1 million lower, because no special study of the Beale Wagon Road is required.

9. Estimate prepared by: Kathleen M. Gramp.

10. Estimate approved by:

C. G. Nuckols
(For James L. Blum,
Assistant Director for Budget Analysis).

## Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 861 as reported. H.R. 861 would amend the National Trails Sys-

tem Act by designating additional scenic and historic trails, and for other purposes.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of H.R. 861.

## Executive Communication

The pertinent legislative reports received from the Departments of Agriculture and the Interior setting forth Executive agency recommendations relating to H.R. 861 is set forth below:

Department of Agriculture,
Office of the Secretary,
*Washington, D.C., September 22, 1982.*

Hon. James A. McClure.
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: As requested here is our report on H.R. 861, a bill to amend the National Trails System Act by designating additional National Scenic and Historic Trails, and for other purposes.

The Department of Agriculture recommends enactment of the act if amended to delete section 211.

H.R. 861 would amend the National Trails System Act by designating three scenic trails as components of the National Trails System and by designating six additional trail routes for study. The bill further amends the National Trails System Act by making several amendments designed to improve the effectiveness and efficiency of on-the-ground administration; amends the Land and Water Conservation Fund Act regarding the collection of recreation fees; designates the "Bizz Johnson Trail" in Lassen County, California; and designates a portion of the Nantahala National Forest in North Carolina as the "Roy Taylor Forest."

Recreation trails provide high quality recreation opportunities on public lands. The Forest Service administers over 100,000 miles of recreation trails which include several components of the National Trails System. H.R. 861 would further enhance the Forest Service involvement in the administration and study of existing or potential components of the National Trails System.

The study report for the proposed Florida Trail was completed by the Forest Service and concludes that the trail meets the cirteria for designation as a National Scenic Trail.

One hundred thirty-two miles of this trail have been completed by the Forest Service and are presently in use on the National Forest in Florida. We support designation of the Florida National Scenic Trail and recommend it be administered by the Secretary of Agriculture.

The bill proposes six new trails for study as potential additions to the National Trails System: The Juan Bautista de Anza Trail, Trail of Tears, Illinois Trail, Jedediah Smith Trail, General Crook Trail,

and Beale Wagon Road. The proposed studies of the Juan Bautista de Anza Trail, Jedediah Smith Trail, and Trail of Tears could involve limited amounts of National Forest System lands, but primarily affect lands administered by the Department of the Interior. Studies of these trails and the Illinois Trail, which affect lands administered by USDI, should be completed by the Secretary of the Interior in cooperation with this Department.

The proposed General Crook Trail extends approximately 360 miles from Prescott, Arizona, to Fort Craig, New Mexico. We support its study by the Secretary of Agriculture.

The Beale Wagon Road was commissioned for survey in 1857 and traverses the State of Arizona from Fort Defiance to the Colorado River, a distance of approximately 370 miles. Approximately 20 percent of the proposed trail is within the boundaries of the Kaibab and Coconino National Forests. A study of the Kaibab National Forest portion of the trail has been completed, and we would be willing to complete the study on the remaining portion of the trail on the National Forest System under existing land management planning authorities. The major portion of the trail, approximately 80 percent, is on private land, Indian Reservation, and other public lands. The study responsibility for these portions of the trail should be with the Department of the Interior.

The Forest Service manages a significant portion of the National Trails System. The technical amendments to the National Trails System Act, provided by H.R. 861, would improve the effectiveness and efficiency of our administration. We particularly favor those portions of the bill that would enhance volunteer support and maintenance of the trails.

Section 211 of H.R. 861 amends the Land and Water Conservation Fund Act of 1965 by restricting the charging of entrance and admission fees at National Recreation Areas, and singles out units of the National Wild and Scenic River System and National Trails System as being ineligible for the collection of entrance or admission fees. We do not believe it is appropriate to further restrict the capability to collect recreation user fees. The Forest Service is looking at the recreation fee system and studying an overall approach which may lead to recommended changes in the future. We strongly recommend that section 211 not be included in the legislation.

Title III of the proposed legislation designates the "Bizz Johnson Trail" for recognition of the former Congressman's efforts to protect areas for outdoor recreation. We have no objection to this designation.

Title IV provides for the designation of 39,000 acres of the Nantahala National Forest as the "Roy Taylor Forest" in recognition of the former Congressman's efforts to provide outdoor recreation areas. We have no objection to this designation.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., September 23, 1982.*

Hon. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources,*
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of the Department of the Interior on H.R. 861, an act "To amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes."

We recommend the enactment of H.R. 861, if amended to delete section 211. We also recommend certain other amendments.

As passed by the House of Representatives on May 11, the act designates three new components of the National Trails System and six trails for future study. It also makes several technical and some important substantive amendments to the National Trails System Act. In addition, H.R. 861 prohibits the imposition of entrance fees at certain Federal recreation areas (section 211), designates a public recreation trail on Bureau of Land Management and Forest Service lands in Lassen County, California, as the "Bizz Johnson Trail" (title III), and designates a portion of the Nantahala National Forest in Jackson County, North Carolina, as the "Roy Taylor Forest" (title IV).

We have several comments on the provisions relating to specific trails.

The act designates the Potomac Heritage National Science Trail in accordance with a Department of the Interior report of December 1974. No part of the trail in the State of West Virginia, however, is included in the designation. The trail shall consist only of a corridor within the exterior boundaries of federally administered areas, such as the C and O Canal National Historical Park. No additional acquisition costs are anticipated.

The Natchez Trace National Scenic Trail also would be designated, in accordance with an August 1979 Department of the Interior report. The act specifically limits appropriations for the Natchez Trace Trail to $500,000 for acquisition and $2 million for development.

Both the Potomac Heritage and Natchez Trace were studied as potential national scenic trails. The studies found them to be qualified for inclusion in the system, and we recommended that they be so designated. Since the Potomac Heritage and Natchez Trace Trails will be located almost entirely within the exterior boundaries of existing Federal areas, we do not recommend additional land acquisition for these trails.

The act also designates the Florida National Scenic Trail in accordance with a February 1982 Department of the Interior report and further provides for administration by the Secretary of Agriculture. We defer to that agency as to whether the Florida Trail should be designated at this time.

H.R. 861 also designates six trails for study. We would have no objection to these studies if it is clear that they would not be undertaken until funds were appropriated specifically for that purpose. Sec-

tion 5(d) of the National Trails System Act requires that such studies be completed and submitted to the Congress within three fiscal years of their designation for study. In order to meet that deadline, we recommend language indicating that the 3-year period begins with the appropriation of the necessary funds. In this connection, we estimate the cost of each study to be approximately $150,000. With respect to the proposed General Crook Trail in Arizona, the study would be carried out by the Departemnt of Agriculture because most of the trail route is on or near lands administered by that Department.

With regard to the Beale Wagon Road, we defer to the Department of Agriculture for a position on that section of the trail that is on National Forest System lands. However, we do not recommend that a study be done for those portions of the Beale Wagon Road outside of National Forest boundaries. The original historic road in these segments has largely been obliterated by modern highways and other improvements. Such historic remnants as may be found along the route could be interpreted by markers placed along the highway by the State of Arizona.

As H.R. 861 was reported from the House Committee on Interior and Insular Affairs, it included a very desirable amendment to the study provisions of section 5(b) of the National Trails System Act. It established a process for shortcutting long and expensive trail studies when it is determined during a study that trail development is not feasible and there is no significant need for the trail. By an appropriate report to the House and Senate Committees, the study can be terminated unless either committee disapproves within 30 days. This provision was deleted on the House floor in order to avoid concern over its legislative veto provisions. We believe the idea is sound—that there should be a process for shortcutting studies where a preliminary review of the route indicates clearly that trail development is not feasible. We recommend that your Committee adopt such an amendment, but without the legislative veto provisions. It should be sufficient to permit the Secretary to make a determination of infeasibility and notify the committees, following which he may terminate the study. Each Committee, through the exercise of its oversight responsibilities, could inquire into the basis of the Secretary's determination.

H.R. 861 also makes other generic amendments to the National Trails System Act. To the extent they are definitional and clarifying, such as defining the term "extended trail" in section 3 of the act and new definitions in a new section 12, we have no objection to these amendments. Others, however, are substantive, and we feel strongly that some should and some should not be enacted.

With the help of your Committee, we have been working to apply a land protection policy to areas funded by the Land and Water Conservation Fund. The thrust of this new policy, which we published in May 1982 following the invaluable workshops last year which your Committee hosted, is the use whereever appropriate of alternatives to fee purchase of land. To implement this policy, some new tools are needed. H.R. 861 contains several provisions that would give the National Park Service and the Forest Service some new tools to apply land protection to units of the National Trails System. We support these provisions wholeheartedly.

At this year's workshop, we released reports of certain case studies we had done. These case studies indicated how alternative to fee simple acquisition could accomplish an appropriate level of protection and at the same time reduce Federal costs. One such study treated the Appalachian National Scenic Trail, one of the first components designated by Congress as part of the National Trails System. H.R. 861 provides the tools that our case study indicated would be desirable for application to the Appalachian Trail:

1. Disposal of remnant lands. H.R. 861 authorizes the acquisition of remnants of whole parcels, with the owner's consent, and the sale of the unneeded remnant. Under existing law, the proceeds of such sale would go into the Land and Water Conservation Fund. Under H.R. 861, however, the proceeds shall be credited to the appropriation bearing the cost of land acquisition for the particular trail. Thus, these funds become immediately available, without further appropriation, for continued acquisition of needed trail rights-of-way.

2. Tax status of donated interests. H.R. 861 states that for Federal tax purposes, donation of less-than-fee interests for trail purposes will satisfy the requirement for conservation purposes. This language will clarify the status of donations of easements within as well as near the trail corridor, thus encouraging cost-effective land protection.

We strongly support these provisions. In addition, we strongly support the provisions in H.R. 861 which encourage the use of the Volunteers in the Parks and Volunteers in the National Forest programs for trail maintenance, and authorize assistance to volunteers with tools and limited financial assistance. Volunteer work is highly cost effective and should be encouraged.

We do note, however, that the Bureau of Land Management (BLM) manages a significant portion of the National Trails System but its authority to accept volunteer services for public lands activities under the Federal Land Policy and Management Act of 1976 has been overlooked in H.R. 861. We recommend that the National Trails System Act be amended to take into account BLM's role in managing those portions of the National Trails System which are on public land.

Although BLM has the authority to accept volunteer services for public lands activities, that authority has some limitations that do not apply to other agencies and that hamper BLM's volunteer program. We recommend that new section 11 of the act be amended by adding a new subsection that would grant authorities for the BLM volunteer program that are comparable to those previously granted for the National Park Service and the U.S. Forest Service. The proposed amendment would be applicable to all BLM-managed public lands, not just those lands on which trails are located. It would enable the BLM to provide to volunteers, either directly or by reimbursement, certain incidentals such as meals, and transportation to and from work sites. It would also protect volunteers from liability and costs incurred from injuries occurring on the job. Proposed language for such an amendment has been provided to the Congress and is reflected in S. 2753.

We also support the authority in H.R. 861 to transfer, by agreement, management responsibility for particular trail segments between agencies, such as the National Park Service and the Forest

Service. In addition, we have no objection to the provision in the act authorizing the Secretary of Agriculture to designate National Recreation Trails, provided that such atuhority is interpreted to apply to trails on Forest Service lands or on private lands within National Forests with the consent of the owner. We expect to maintain the close coordination that we now enjoy with Agriculture to assure that standards for such designations are basically the same.

H.R. 861 would add a new subsection to section 8 of the National Trails System Act directing the Secretary of Transportation, the Chairman of the Interstate Commerce Commission, and this Department to encourage State and local agencies and private interests to establish appropriate trails. It further encourages the interim use of railbeds by providing that such use, if consistent with the National Trails System Act, will not be treated as abandonment of a railbed. While we strongly support the objectives of this provision, we defer to the views of the other agencies involved as to its enactment.

We do not recommend the provision in H.R. 861 to require the submission of a National Trails System Plan every 2 years to the Congress. We believe the present system, whereby certain trails are designated for study, is far preferable because limited staff and funds can be concentrated on those specific trails singled out by Congress. A nationwide plan every 2 years would, of necessity, be very general. We have no estimate of the cost of this provision.

Section 211 would amend the Land and Water Conservation Fund Act of 1965 to prohibit entrance fees at National Recreation Areas, components of the Wild and Scenic Rivers and National Trails systems, or at any unit of the National Park System where the cost of collection exceeds receipts collected in 1979. We strongly recommend that this section be deleted. Although no entrance fees are now charged at any of the areas that would be affected, the Secretary should have the flexibility to establish such a fee where appropriate to assure that people who benefit from a service pay a greater share of the cost.

We have no objection to titles III and IV of the act, designating the "Bizz Johnson Trail" and the "Roy Taylor Forest".

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

ROBERT F. BURFORD
(For Assistant Secretary
Garry E. Carruthers).

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, H.R. 861, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

# NATIONAL TRAILS SYSTEM ACT (82 Stat. 919; as amended 16 U.S.C. 1241, *et seq.*)

## STATEMENT OF POLICY

SEC. 2 (a) In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within scenic areas and along historic travel routes of the Nation which are often more remotely located.

(b) [the purpose] *The purpose* of this Act is to provide the means for attaining these objectives by instituting a national system of recreation, scenic and historic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

(*c*) *The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this Act to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.*

## NATIONAL TRAILS SYSTEM

SEC. 3. (*a*) The national system of trails shall be [composed or—] *composed of the following:*

[(a)] (*1*) National recreation trails, established as provided in section 4 of this Act, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

[(b)] (*2*) National scenic trails, established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. *National scenic trails may be located so as to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.*

[(c)] (*3*) National historic trails, established as provided in section 5 of this Act, which will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historic significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. Only those se-

lected land and water based components of an historic trail which are on federally owned lands and which meet the national historic trail criteria established in this [Act, are established as initial] *Act are included as* Federal protection components of a national historic trail. The appropriate Secretary may [subsequently] certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.

[(d)] (*4*) Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropirate governmental agencies and public and private organizations, shall establish a uniform marker for the national trails system.

(*b*) *For purposes of this section, the term "extended trails" means trails or trail segments which total at least one hundred miles in length, except that historic trails of less than one hundred miles may be designated as extended trails. While it is desirable that extended trails be continuous, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least one hundred miles in length.*

(*c*) *On October 1, 1982, and at the beginning of each odd numbered fiscal year thereafter, the Secretary of the Interior shall submit to the Speaker of the United States House of Representatives and to the President of the United States Senate, an initial and revised (respectively) National Trails System plan. Such comprehensive plan shall indicate the scope and extent of a completed nationwide system of trails, to include (1) desirable nationally significant scenic and historic components which are considered necessary to complete a comprehensive national system, and (2) other trails which would balance out a complete and comprehensive nationwide system of trails. Such plan, and the periodic revisions thereto, shall be prepared in full consultation with the Secretary of Agriculture, the Governors of the various States, and the trails community.*

NATIONAL RECREATION TRAILS

SEC. 4. (a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that—

(i) such trails are reasonably accessible to urban areas, and, or

(ii) such trails meet the criteria established in this Act and such supplementary criteria as he may prescribe.

(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the

Secretary of Agriculture or in other federally administered areas may be established and designated as "National Recreation Trails" by the appropriate Secretary and, when no Federal land acquisition is involved—

(i) trails in or reasonably accessible to urban areas may be designated as "National Recreation Trails" by the [Secretary of the Interior] *appropriate Secretary* with the consent of the States, their political subdivisions, or other appropriate administering [agencies, and] *agencies;*

(ii) trials within park, forest, and other recreation areas owned or administered by States may be designated as "National Recreation Trails" by the [Secretary of the Interior] *appropriate Secretary* with the consent of the State[.]*; and*

*(iii) trails on privately owned lands may be designated "National Recreation Trails" by the appropriate Secretary with the written consent of the owner of the property involved.*

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(1) * * *

* * * * * * *

*(11) The Potomac Heritage National Scenic Trail, a corridor of approximately seven hundred and four miles following the route as generally depicted on the map identified as "National Trails System, Proposed Potomac Heritage Trail" in "The Potomac Heritage Trail," a report prepared by the Department of the Interior and dated December 1974, except that no designation of the trail shall be made in the State of West Virginia. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail. The Secretary of the Interior may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of the Interior.*

*(12) The Natchez Trace National Scenic Trail, a trail system of approximately six hundred and ninety-four miles extending from Nashville, Tennessee, to Natchez, Mississippi, as depicted on the map entitled "Concept Plan, Natchez Trace Trails Study" in "The Natchez Trace," a report prepared by the Department of the Interior and dated August 1979. The map shall be on file and available for public inspection in the office of the Director of the*

*National Park Service. Department of the Interior, Washington, District of Columbia. he trail shall be administered by the Secretary of the Interior.*

*(13) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in "The Florida Trail," a national scenic trail study draft reported prepared by the Department of the Interior and dated February 1980. The report shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture.*

(b) The Secretary of the Interior, through the agency most likely to administer such trail, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic or national historic trails. Such studies shall be made in consulation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. *The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible.* The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:

(1) the proposed route of such trail (including maps and illustrations);

(2) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental, purposes;

(3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic or national historic trail; and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (40 Stat. 666; *16* U.S.C. 461);

(4) the current status of land ownership and current and potential use along the designated route;

(5) the estimated cost of acquisition of lands or interest in lands, if any;

(6) the plans for developing and maintaining the trail and the cost thereof;

(7) the proposed Federal administering agency (which, in the case of a national scenic trail wholly or substantially within a national forest, shall be the Department of Agriculture);

(8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof;

(9) the relative uses of the lands involved, including, the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail;

(10) the anticipated impact of public outdoor recreation use on the preservation of a proposed national historic trail and its related historic and archeological features and settings, including the measures proposed to ensure evaluation and preservation of the values that contribute to their national historic significance; and

(11) to qualify for designation as a national historic trail, a trail must meet all three of the following criteria:

(A) It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential. A designated trail should generally accurately follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent development, or to provide some route variations offering a more pleasurable recreational experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

(B) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, *exploration*, migration and settlement, or military campaigns. To qualify as nationally significant, historic use of the trail must have had a far-reaching effect on broad patterns of American culture. Trails significant in the history of native Americans may be included.

(C) It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. The potential for such use is gen-

erally greater along roadless segments developed as historic trails, and at historic sites associated with the trail. The presence of recreation potential not related to historic appreciation is not sufficient justification for designation under this category.

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

(1) * * *

* * * * * * *

(9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to [Sante Fe] *Santa Fe*, New Mexico.

* * * * * * *

*(24) Juan Bautista de Anza Trail, following the overland route taken by Juan Bautista de Anza in connection with his travels from the United Mexican States to San Francisco, California.*

*(25) Trail of Tears, including the associated forts and specifically, Fort Mitchell, Alabama, and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahlequah, Oklahoma.*

*(26) Illinois Trail, extending from the Lewis and Clark Trail at Wood River, Illinois, to the Chicago Portage National Historic Site, generally following the Illinois River and the Illinois and Michigan Canal.*

*(27) Jedediah Smith Trail, to include the routes of the explorations led by Jedediah Smith—*

*(A) during the period 1826–1827, extending from the Idaho-Wyoming border, through the Great Salt Lake, Sevier, Virgin, and Colorado River Valleys, and the Mojave Desert, to the San Gabriel Mission, California; thence through the Tehachapi Mountains, San Joaquin and Stanislaus River Valleys, Ebbetts Pass, Walker River Valley, Bald Mount, Mount Grafton, and Great Salt Lake to Bear Lake, Utah; and*

*(B) during 1828, extending from the Sacramento and Trinity River valleys along the Pacific coastline, through the Smith and Willamette River Valleys to the Fort Vancouver National Historic Site, Washington, on the Columbia River.*

*(28) General Crook Trail, extending from Prescott, Arizona, across the Mogollon Rim to Fort Apache.*

*(29) Beale Wagon Road, within the Kaibab and Coconino National Forests in Arizona: Provided, such study may be prepared in conjunction with ongoing planning processes for these National Forests to be completed before 1990.*

(d) The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition of any national scenic or national historic trail to the system, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment. *If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate*

*committees of the Congress.* The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

[(i) a member appointed to represent each Federal department or independent agency administering lands through which the trail route passes, and each appointee shall be the person designated by the head of such department or agency;]

*(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;*

[(ii)] *(2)* a member appointed to represent each State through which the trail passes, and such appointments shall be made from recommendations of the Governors of such States;

[(iii)] *(3)* one or more members appointed to represent private organizations, including corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations: *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

[(iv)] *(4)* the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

* * * * * * *

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for natural scenic or [national recreational] *national historic* trails an identified carrying capacity of the trail and a plan for its implementation; [and]

(2) the process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act[.];

*(3) a protection plan for any high potential historic sites or high potential route segments; and*

*(4) general and site-specific development plans, including anticipated costs.*

CONNECTING AND SIDE TRAILS

SEC. 6. Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked *by the appropriate Secretary* as components of a national recreation, national scenic or national historic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent[: *Provided*, That such trails provide additional points of public access to national recreation, national scenic, or national historic trails.], *or, where the appropriate Secretary deems necessary or desirable, on privately owned lands with the consent of the landowner. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the appropriate Secretary.*

ADMINISTRATION AND DEVELOPMENT

*SEC. 7. (a)(1)(A) The Secretary charged with the overall administration of a trail pursuant to section 5(a) shall, in administering and managing the trail, consult with the heads of all other affected State and Federal agencies. Nothing contained in this Act shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System. Any transfer of management responsibilities may be carried out between the Secretary of the Interior and the Secretary of Agriculture only as provided under subparagraph (B).*

*(B) The Secretary charged with the overall administration of any trail pursuant to section 5(a) may transfer management of any specified trail segment of such trail to the other appropriate Secretary pursuant to a joint memorandum of agreement containing such terms and conditions as the Secretaries consider most appropriate to accomplish the purposes of this Act. During any period in which management responsibilities for any trail segment are transferred under such an agreement, the management of any such segment shall be subject to the laws, rules, and regulations of the Secretary provided with the management authority under the agreement, except to such extent as the agreement may otherwise expressly provide.*

[SEC. 7. (a)] (2) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice [thereof] *of the availability of appropriate maps or descriptions* in the Federal Register[, together with appropriate maps and descriptions]; *Provided*, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation.

Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

(b) After publication of notice *of the availability of appropriate maps or descriptions* in the Federal Register, [together with appropriate maps and descriptions,] the Secretary charged with the administration of a national scenic or national historic trail may relocate segments of a national scenic or national historic trail right-of-way, with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (i) Such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: *Provided*, That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress.

(c) National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicables, efforts be made to avoid activities incompatible with the purposes for which such trials were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: *Provided*, That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights: *Provided further*, That private lands included in the national recreation, national scenic, or national historic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. Other uses

along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time if designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary charged with the administration of the trail. The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation, natural scenic, and national historic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriated points along the trials and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established. *The appropriate Secretary may also provide for trail interpretation sites, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, at the lowest possible cost, with emphasis on the portion of the trail passing through the State in which the site is located. Wherever possible, the sites shall be maintained by a State agency under a cooperative agreement between the appropriate Secretary and t he State agency.*

* * * * * * *

(e) Where the lands included in a national scenic or national historic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic or national historic trail: *Provided*, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein after notice of the selection of the right-of-way is published, the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of [subsection (g)] *subsection (f)* of this section [.] *: Provided further, That the appropirate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities.* The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: *Provided*, That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns,

shall be offered, by notice given at the former owner's last known address, the right of first refusal at the fair market price.

(f)(*1*) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(*2*) *In acquiring lands or interests therein for a National Scenic or Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this act, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including: (i) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and (ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this act. The proceeds from any disposal shall be credited to the appropriation bearing the costs of land acquisition for the affected trail.*

(g) The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: *Provided*, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of one hundred and twenty-five acres per mile. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this Act. For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites. [No] *Except for designated protected components of the trail, no* land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f) unless such land or site is deemed to be of historical signifi-

cance under appropriate historical site criteria such as those for the National Register of Historic Places.

(h)(*1*) The Secretary charged with the administration of a national recreation, national scenic, or national historic trail shall provide for the development and maintenance of such trails within federally administered areas and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of [a national scenic or national historic trail] *such a trail* either within or outside a federally administered area. *Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 and the Volunteers in the Forests Act of 1972) to individuals, private organizations, or landowners participating in such activities, or provisions of both types. The appropriate Secretary shall also initiate consultations with affected States and their political subdivisions to encourage—*

*(A) the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use, and*

*(B) the development and implementation by such entities of provisions for land practices compatible with the purposes of this Act,*

*for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection.*

[Whenever the] (*2*) *Whenever the* Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes of this Act.

(i) The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation, national scenic, or national historic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment. *The Secretary responsible for the*

*administration of any segment of any component of the National Trails System (as determined in a manner consistent with subsection (a)(1) of this section) may also utilize authorities related to units of the national park system or the national forest system, as the case may be, in carrying out his administrative responsibilities for such component.*

*(j) Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which may be permitted on certain trails may include, but need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles. In addition, trail access for handicapped individuals may be provided. The provisions of this subsection shall not supercede any other provisions of this Act or other Federal laws, or any State or local laws.*

*(k) For the conservation purpose of preserving or enhancing the recreational, scenic, natural, or historical values of components of the national trails system, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organiaztions consistent with section 170(h)(3) of the Internal Revenue Code of 1954, including, but not limited to, right-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96–541.*

STATE AND METROPOLITAN AREA TRAILS

SEC. 8. (a) * * *

* * * * * * *

*(d) The Secretary of Transportation, the Chairman of the Interstate Commerce Commission, and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory, Reform Act of 1976, shall encourage State and local agencies and private interests to establish appropriate trails using the provisions of such programs. Consistent with the purposes of that Act, and in furtherance of the national policy to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use, in the case of interim use of any established railroad rights-of-way pursuant to donation, transfer, lease, sale, or otherwise in a manner consistent with the National Trails System Act, if such interim use is subject to restoration or reconstruction for railroad purposes, such interim use shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes. If a State, political subdivision, or qualified private organization is prepared to assume full responsibility for management of such rights-of-way and for any legal liability arising out of such*

*transfer or use, and for the payment of any and all taxes that may be levied or assessed against such rights-of-way, then the Commission shall impose such terms and conditions as a requirement of any transfer or conveyance for interim use in a manner consistent with this Act, and shall not permit abandonment or discontinuance inconsistent or disruptive of such use.*

[d] (*e*) Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. (*a*) (*1*) There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than $5,000,000 for the Appalachian National Scenic Trail and not more than $500,000 for the Pacific Crest National Scenic Trail. From the appropriations authorized for fiscal year 1979 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than the following amounts may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this Act:

[(a) The] *for the* Appalachian National Scenic Trail, not to exceed $30,000,000 for fiscal year 1979, $30,000,000 for fiscal year 1980, and $30,000,000 for fiscal year 1981, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall be available for appropriation in subsequent fiscal years.

[It is the express intent] (*2*) *It is the express intent* of the Congress that the Secretary should substantially complete the land acquisition program necessary to insure the protection of the *Appalachian* Trail within three complete fiscal years following the date of enactment of this sentence. Until the entire acquisition program is completed, he shall transmit in writing at the close of each fiscal year the following information to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives;

(A) the amount of land acquired during the fiscal year and the amount expended therefor;

(B) the estimated amount of land remaining to be acquired; and

(C) the amount of land planned for acquisition in the ensuing fiscal year and the estimated cost thereof.

* * * * * * *

(c) (*1*) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), (8), (9) and (10): *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National

Scenic Trail, the North Country National Scenic Trail, The Ice Age National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail, *except that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation site, as described in section 7(c), along with such trail in each State crossed by the trail.*

*(2) There is hereby authorized to be appropriated for fiscal year 1983 and subsequent fiscal years such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs (9) through (13) of section 5(a) of this Act. Not more than $500,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section 5(a) (12) of this Act, and not more than $2,000,000 may be appropriated for the purposes of the development of such trail. The administrating agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.*

*VOLUNTEER TRAILS ASSISTANCE*

*SEC. 11. (a) (1) In addition to the cooperative agreement and other authorities contained in this Act, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails througout the Nation.*

*(2) Wherever appropriate in furtherance of the purposes of this Act, the Secretaries are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).*

*(b) Each Secretary or the head of any Federal land managing agency, may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing trails. Volunteer work may include, but need not be limited to—*

*(1) planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for designation as components of the national trails system; or*

*(2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and maintenance.*

*(c) The appropriate Secretary or the head of any Federal land managing agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.*

*DEFINITIONS*

*SEC. 12. As used in this Act:*

*(1) The term "high potential historic sites" means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.*

*(2) The term "high potential route segments" means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.*

*(3) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.*

*(4) The term "without expense to the United States" means that no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interests in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Fund Act of 1965 or any other provision of law shall not be treated as an expense to the United States.*

O